

NEWINGTON TOWN PLAN AND ZONING COMMISSION

September 24, 2008

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Fox
Chairman Hall
Commissioner Kornichuk
Commissioner Pruet
Commissioner Schatz
Commissioner Camerota
Commissioner Ganley

Commissioners Absent

Commissioner Pane
Commissioner Niro

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Pane.

Chairman Hall: I would like to welcome Tom Ganley as a full member as of tonight. He was appointed last night by the Newington Town Council, and he's moving on up.

Commissioner Fox: Madam Chairman, I would like to say something regarding Commissioner Ganley. You know, he was a full member, I think at least one full term, has really added a lot to this Commission, with his comments and his decisions, and it's good to see him back as a full member.

Commissioner Pruet: Ditto!

Commissioner Ganley: Thank you.

II. PUBLIC HEARINGS

- A. PETITION 41-08 – 171 Pascone Place, Newington Knights applicant, McBride Properties, 3153 Berlin Turnpike owner, contact Lou Riccelli, 4 Grandview Drive, Newington, CT 06111 request for Special Permit Section 6.6 liquor permit, PD Zone District. Continued from September 10, 2008.**

Commissioner Kornichuk recused himself from PETITION 41-08.

Chairman Hall: If the applicant is present, if you would come forward, state your name and address for the record, please.

Lou Riccelli: My name is Lou Riccelli and I'm the president of the Knights of Columbus Corporation.

Chairman Hall: You were here the last time and then you had to put out the sign, which was up, we did see that, thank you very much. Is there any new information at this time from the staff?

Ed Meehan: Nothing from staff. The public meeting notice was placed in the Herald and the abutters were notified again. I had no comments from those two efforts, and no other inquiries.

Chairman Hall: Does anyone have any questions, I think most of us were here the last time and heard the presentation. There is no new news on your part at this point that you would like to impart to the Commission?

Lou Riccelli: No, I think we kind of summed it up pretty well at the last meeting.

Chairman Hall: It's really just a technicality that you are back. Anyone from the public wishing to speak in favor of the application? Anyone wishing to speak against? Anyone wishing to speak. Seeing none, thank you very much, and I think at this point we can close this.

Lou Riccelli: Thank you.

Commissioner Kornichuk returned to the table.

B. PETITION 43-08 – 105B Pane Road, Roberto Cerasani applicant, 11 Watch Hill Circle, Cromwell, CT 06416 applicant, 105/113 Pane Road Complex, LLC owner, request for Special Permit Section 3.18 Amendment of Certificate of Location, Auto Repairer, PD Zone District.

Chairman Hall: If the applicant is present, if he would come forward, state your name and address for the record.

Roberto Cerasani, 11 Watch Hill Circle, Cromwell/ Mike Sullivan 39 High Ledge Circle, Manchester.

Mike Sullivan: I own Salem Motors.

Chairman Hall: Would you like to give us a little background on the application and what you are looking for?

Roberto Cerasani: We have a 4,000 square feet garage which is, we are trying to divide it into 2,000 square feet for repairs.

Mike Sullivan: We are just going to separate the sales from the repairs, and have a separate repair license, so there will be a retail facility for repairs rather than just sales and service combined. We're not going to extend it, the footprint is not going to change, we're not going to do any of that, we are just going to put a wall up, cut it right in half, but to do it, we have to have a separate repair license from motor vehicle.

Chairman Hall: Okay, that's it?

Mike Sullivan: That's it really, it's kind of simple.

Chairman Hall: Staff?

Ed Meehan: Okay, there's a staff report that went out with the agenda package. I think the applicant has given you a good overview, but what the Commission should know is that, and I'm sure that you do know this, that auto related uses were deleted from the regulations back in August 19, August 15, 2007, which means all types of auto related uses, anything with a DMV license. This situation is somewhat unique in the sense that they are there now, I have the size of the space at 5200 square feet. As I understand what the applicant said, and based on the map they submitted, of that 5200 square feet, the repair side of the business is now occupying about 2000 square feet. That is where they are going to put the demising wall, create a separate space and the balance, the 3200 square feet will remain as the dealer's operation as Salem Motors, that is the easterly side of the building. So in this situation, it's not quite like a brand new motor vehicle license coming before you, so when Mr. Sullivan came in and asked about it, I went back and read the regulations and discussed it with the Zoning Officer and this is somewhat of a unique situation. It is in the same space it is now, but to get the proper licensing from DMV because this is going to be a change in ownership in the business, they need to get a special permit from the Newington Planning and Zoning Commission. If that is granted, then when they bring their paperwork in from Motor Vehicles, the Zoning Officer can sign that license for whatever LLC, name that you put it under. That is the uniqueness of this particular situation. No changes in overhead doors?

Mike Sullivan: No, nothing, just the wall.

Ed Meehan: Just the wall.

Mike Sullivan: Right now we use it, that's our repair facility. Our lifts are in there, everything to do with repair is in there, in that 2,000 square feet as we use it now.

Ed Meehan: There are other active motor vehicle uses in the building now as my staff report indicates as well as the map, which shows, the red square shows the proposed actual new license area and the other licenses that are in place there go back several years and have all come before this Commission and have recorded on the land records special permits for auto related uses. That's pretty much it in a nutshell.

Chairman Hall: Questions from the Commissioners?

Commissioner Fox: Thank you, okay, through the Chairman, Mr. Sullivan you already have a dealer's license, right?

Mike Sullivan: Right.

Commissioner Fox: You are already repairing, your, the cars that you buy and sell, so the only difference would be now, you would be taking in cars, automobiles, vehicles for repair.

Mike Sullivan: Customers.

Commissioner Fox: Okay, thank you.

Commissioner Schatz: The hours would be the same?

Mike Sullivan: Yes, or shorter.

Commissioner Schatz: So there would be no difference, other than you are having the public coming in for repairs.

Commissioner Ganley: So if one were to drive by the front of the building, except for two separate signs, one indicating Harry's repair shop and the other Mike's.....

Mike Sullivan: Well, it is going to be Salem Auto Repair and Salem Motors, Salem Auto Repair.

Commissioner Ganley: Okay, two separate signs, that is the only thing that is done to the front of the building? There is no height, no back, no nothing, okay. Thank you.

Chairman Hall: And as I remember, that sign currently exists, doesn't it?

Ed Meehan: There is a pylon sign in the island.

Chairman Hall: It's low, as I remember.

Ed Meehan: Will you take in, say a customer comes into Salem Motors, purchases a car, trades their car in, and you have a relationship with Salem Auto to repair that, I want to bring my car in, apart from Salem Motors, would you work on that?

Mike Sullivan: Yes, definitely. That is the whole idea, that's the reason we're.....

Ed Meehan: So you are building your hours around Salem Motors, okay.
I don't think this is a precedent for a future applicant coming in saying, well you did it, you converted Salem Motors on Pane Road, why can't I get another auto repair use. This is the same, for quite a few years.

Mike Sullivan: Thirty-five years.

Commissioner Fox: You know, he's been repairing vehicles for, as he says, quote unquote thirty five years, as long as he's been in business.

Chairman Hall: Would we have to have anything in here about transferability if we are going to make, I'm not going to call this an exception, I don't even want to use that word at all, but if we are going to make this so we are pretty much extending what is already there, we're not making something new, we're not making any kind of exception for this, is there anything that we need to do to protect ourselves in the future?

Ed Meehan: I think, when it comes time to discuss a motion the language that you use, Madam Chairman, would be what I would suggest, you are extending it but you are extending it within the existing space. There is no additional net gain in the auto related permittee, and it's been there, as the gentleman said, for over thirty years.

Commissioner Fox: Through the Chairman, Ed, so that's, upon approval the special exception....

Chairman Hall: Please don't use that because I don't want that to come back as, you did it for them, you can do it for me.

Commissioner Fox: Would this permit go with the building, or with the business owner?

Ed Meehan: It goes with the land. But we have to assign a new address, if you have those maps in front of you, there are like units 105D, 105E, we would have to assign that a new address, say 105F, so when the gentleman goes to Motor Vehicles he can show motor vehicles on a map that he has a location at 105F Pane Road and so, if he goes out of business, or sells his business, it is transferable. A special exception travels with the land, at that location. That is the unique thing

with this, you may have like a gasoline station like on Hartford Avenue and Stoddard, or should have, well they can't say, well, we're not going to build it there, we want to do it someplace else in town, transfer that a half mile away. That's different, in my opinion that's different, because it's not the same location that Salem Motors is.

Commissioner Fox: But with Mike, if he decided that he didn't want to stay on Pane Road, or he wants his kids to run this business, because you're not going to be working that much longer, you know, and move it somewhere else, as long as auto related uses are permissible in that zone, would, this particular permit would not go with him.

Ed Meehan: That's right. They can't move Salem Motors over to Pascone Place because the regulations deleted any new auto related uses.

Mike Sullivan: And DMV won't allow it, the license goes with the (inaudible) period, you can't move it, you couldn't move it an inch. It's not allowed.

Commissioner Fox: Well, I see no problem with this.

Chairman Hall: Any other questions on this? Any other concerns? Any other clarifications that need to be made? Thank you for your presentation and at this point I think we can probably close it as well, after we get to the public. Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak against it? Anyone wishing to speak? Seeing none, I think we can close this petition as well.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes)

None.

IV. MINUTES

September 10, 2008 – Regular Meeting

Commissioner Fox moved to accept the minutes of the September 10, 2008 Regular Meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: There is a letter at the Commissioner's place from the Kiwanis Club, Al Cohen, calling to TPZ members the Kiwanis Club's concern about them having a continued venue in the municipal parking lot for their flea market activities. As you know, the Downtown Revitalization Committee is looking at an ambitious plan to redo that space, and I think what Kiwanis wants to do is just remind the Boards and Commissions, Town Council members that they have re-established themselves in the center, and when we get to designing and constructing there will have to be some accommodations for their continued use as well as the businesses in the parking in that center area. It's not there yet, but this spells it out.

Commissioner Fox: Well I think Madam Chairman, I think that's it. When Ed mentioned this, if there is anybody I would like to see to able to continue working there, or nearby, it would be the Kiwanis.

Chairman Hall: They do rely on that for their fund raising. They do it for ten weeks in the spring and ten weeks in the fall, and without that they are unable to fund, they have scholarships that they fund, and different organizations that they fund every year with this money, they rely on it. They raise a good amount, and it goes right back out into the community.

Commissioner Fox: That's right, including the Memorial Day Parade.

Chairman Hall: True, they are very generous and to not give them a venue to raise that money I think would be a shame. Okay, duly noted, a communication from Al Cohen.

VI. NEW BUSINESS

A. PETITION 44-08 3567 Berlin Turnpike Sam's/L.A. Fitness "Pad Site", Newington-Berlin Retail, LLC owner, Delta Building Corporation, 269 Main Street, Cromwell, CT 06416, attention Jay Stuart, applicant, request for building elevations approval, 6,500 sq. ft. pad building site plan approved Petition 62-06, 11-20-2006, PD Planned Development District. Continued from September 10, 2008.

Chairman Hall: Ed, I know that you give us the added information on this.

Ed Meehan: And I think the applicant is here.

Jay Stuart: Gary is right around the corner, I was wondering if we could go second, or.....

Chairman Hall: So he's not here yet?

Jay Stuart: I just talked to him, he's right around the corner. I can start, and he can jump in, if you want.

Chairman Hall: Okay, if you can at least get us started, I think that would be better.

Jay Stuart: I have some stuff to hand out too. This is basically a continuation of last month, the Commission made some recommendations regarding a few items. The first one is regarding the roof top units, the second was the signage, and the third was, signage, rooftop units and the dumpster enclosure. The dumpster enclosure is probably the easiest one to deal with first. I had an architect revise the elevations today, he revised on the two side elevations, he hasn't revised the rear elevation yet because we ran out of time this evening but, so this would be at the rear of the building, this is the north side. This is the gate that you would see coming in from the west side and that is the block to match the building on the other side, so it's an L-shaped with a, as it shows on the site plan, exactly as it shows on the site plan.

Chairman Hall: So the right side would be as we're coming, say from Stew Leonards, coming in that way?

Jay Stuart: Yes, correct.

Gary Daharsh: It would look like this in the back as well.

Jay Stuart: Right, and the side facing L.A. Fitness. So it really is as it shows on the site plan right here, this 12 x 8, twelve foot off the building and eight foot across the back of the building with a gate facing L.A. Fitness and the block facing Toys R Us with materials to match and this is a wood slat gate. We do have the three awnings that you asked for on the east side also facing Toys R Us.

Gary Daharsh: The building is going to be designed so that these panels could become windows in the future, if the use required additional glass.

Jay Stuart: Are there any other questions on that item, or did you want me to move on?

Chairman Hall: Any questions on the dumpster enclosure? It's pretty cut and dried.

Jay Stuart: Metal awnings, at your request we put the three on the east side so I would say that is a closed item also.

The roof top units, this is our proposed location for the rooftop units, this being the north elevation, the rear of the building, facing Stew Leonards, this is the front. They are located atop beams for support and then, with the potential of having possibly four tenants in the future, you know they are only going in with one right now, we've designed it with four roof top units for the max that they would ever need. The four roof top units could also service one customer if there was only one tenant, but we wanted to give you the worse case scenario about how far out these would be if there ever was four units.

Gary Daharsh: We have done a plan that shows the line of sight where you would actually see the units on top of the roof, and basically these points show where you would have to be standing to start to see the top of the units, and I understand the desire for screening and if screening was required, we would prefer to screen around the units themselves as opposed to raising the parapet up as high as the units, just from a construction standpoint, that makes sense but obviously you have your, I'm sure the goal is not to see a sea of rooftop units like you do everywhere else over there right now. We have taken some photographs.

Jay Stuart: Basically as you can see, Stew Leonard's is really the worst looking roof top unit and refrigeration units, they would actually be standing in the same place that we would be looking to see this new building, Toys R Us also, there is no more than a ten inch parapet wall all the way around Toys R Us, and all the rooftop units are visible until you get to about 75 or 100 feet of the building and then don't see any of them, so it is really the exact same scenario that we have here, in fact, our parapet is double the height of the Toys R Us. Then this picture shows, our building will actually be behind Toys R Us when you are looking at it from the Berlin Turnpike, so you can't even see the building anyway. You can pass these around, they are all numbered and they correspond to my e-mail that Ed made copies of.

Chairman Hall: As these pictures are being passed around, Ed, do you have any more information on the rooftop units?

Ed Meehan: The way it was left the last time, the applicant wasn't sure if they would be split units or roof top, and now they are going to be roof top. Given the topography of this location, particularly coming south, and looking west from the Berlin Turnpike there is no practical way to screen this because of it's depression in the, I'll call it the hole off the Berlin Turnpike. The further you get away, coming in from Rowley Street, you are going to get a glimpse of them, but I think the way to approach this would be to put panels or screening directly on the units and not try to raise the parapet, I don't think you would get the cost benefit out of it, and the results are not really going to be any better than we see on Toys R Us. I think that was the effort made at Toys R Us, to put some panels on the rooftop units, knowing because of that building's closeness to the highway you weren't going to be able to screen it.

Jay Stuart: And as you can see, the front of the building where most people I guess will be probably driving into this plaza, is the furthest point away that, actually the best side to look at the building from because it slopes backwards and we positioned them towards the rear of the building. You actually have to be 180 feet out here at this eye level before you start to see the

units, so you will see them as you are pulling in here, but from most of the parking lot you won't see them, so screening is a better option.

Chairman Hall: Questions from the Commissioners on the rooftops?

Commissioner Schatz: How many ton are these units?

Jay Stuart: Four

Commissioner Schatz: Four ton, really?

Jay Stuart: Yes, that's the output capacity, that's not how much they weigh. They weigh about six hundred pounds apiece.

Chairman Hall: Other questions? Seeing none on that.....

Jay Stuart: Signage, I think we need to, I think Ed helped Gary and me clarify that this afternoon, but I guess we are interpreting the ordinance maybe a little bit differently than you are.

Ed Meehan: Yes, think so.

Gary Daharsh: And not correctly.

Ed Meehan: I don't think so.

Jay Stuart: So maybe, if you want to give us your rendition of it.....

Ed Meehan: The applicant in his e-mail, that's why I copied it, because he was reading it as two square feet for each linear foot of building frontage on the Berlin Turnpike. That is true, but you are being generous saying this has frontage on the Berlin Turnpike, which I think would be fair, because you did that for Sam's and L.A. Fitness. The side that faces the Berlin Turnpike has no public access. There is no doorway, and if you read the zoning regulations to qualify for frontage you have to have a public way into the building, so the only side of this building that qualifies for actual frontage is the south side facing Rowley Street. It's a hundred linear feet times one, is your one hundred square feet. That's, unless they were to pop some doors in on the easterly side where they talked about putting glass in there, did that in the future, could come back and add more signage.

Jay Stuart: Let me understand, so the only reason that it is times one square foot is because it is the perpendicular road to the Berlin Turnpike ordinance.

Ed Meehan: Right, it doesn't face the Berlin Turnpike. So if your easterly wall had a door for the public, that would be times two, sixty-five times two, you would pick up another one thirty feet.

Gary Daharsh: It would be one or the other Ed, or would it be added together?

Ed Meehan: You could add them together. An example would be Stew Leonard's, they have their garden store, seasonal sales on the easterly side. They wanted credit for the whole easterly side, but we didn't, we worked it out so we didn't give them credit for the loading docks for trucks, there was no public access there, but for the side that was public, it was times two, plus one times the front so that's how it works out. So, if you know by the time you come in for building permits how your tenants lay out, if they did have a door on that side, this is done by the Zoning

Officer, it doesn't have to come back to this Commission, it can be done administratively for your wall signs.

Gary Daharsh: So we understand that it would be the hundred feet.

Ed Meehan: One hundred is what you have right now.

Chairman Hall: Other questions?

Jay Stuart: Okay, if I'm correct, I think that was the four items that you wanted us to address tonight.

Ed Meehan: Yes, that covers everything.

Jay Stuart: And basically we did elevations last time and that was all set, except for these items. To go back to the screening, I think we are going to enclose these two units together and then these two separately, and then there will be access to the unit from the side, so you won't see that.

Ed Meehan: You don't know what the tenant use is yet.

Jay Stuart: Still don't know, they were actually in town yesterday and today, trying to meet with some folks, but we have not heard. Thank you.

Chairman Hall: Thank you.

B. PETITION 45-08 – 403 Alumni Road, The Hampshire Companies, represented by Alan Nafis, P.E. Weston & Sampson Engineers, Inc., request for site plan modification to construct truck loading docks (6) along east side of former Torrington Company building and reduce parking space count, I Industrial District. Continued from September 10, 2008.

Joe Perriginni: Good evening, again, for the record, my name is Joe Perriginni, I'm a professional engineer with Weston & Sampson and representing the owner and applicant, the Hampshire Companies, owner of the Newington Business Park. Since the last meeting, I arranged a field visit with Ed Meehan. We went out to the site and discussed a few of the items that, or questions that were raised at the last meeting.

The first thing that we looked at was the location of the proposed grass islands. There was a suggestion that they be created along this end here, but after seeing it out in the field, it was decided to keep them where they were originally proposed. It was also suggested that we add some trees in these areas, and that we try to save a couple of the trees from one of the islands that is being eliminated and just relocate them, so they will be kept as originally designed and they will be, we will have four white fir trees added, those trees are similar to the types that are already there. Again, we are relocating two of the birch trees.

Then we looked, we looked at the area, there was concern that in viewing from Willard Avenue or the active adult day care that there would be too much of an open view of the loading docks, and while we were out there, it was suggested that we build up or supplement the trees in this area here. That would be this photo here, and that would be viewing this corner, so if you are coming in from the driveway, you can see that there are some openings in the trees there, and so we are looking to add one on the corner, a couple before the masonry building, and then several here to kind of block this area. The other concern was, this would be the proposed driveway that would be extended once the active adult day care would be built, so the building would be located, but then you would have a straight shot all the way to Willard Avenue where you could see right

through to the building, so we did add some trees there. That would be this view here, and this view here. This is the driveway that is there now, it would be extended through, and then right there, at this intersection, that is what you would see, so we have added trees all throughout there. I thought it was also interesting, there is a berm in this location here, and there were concerns that you could see through from this proposed building, and this photo here is a good photo of the berm that is there now, it's about six feet in height, and then the vegetation is probably another six feet, so if you are standing there, it's a good twelve feet.

I did take another photo a little further in, somewhere in this area here, and you can see that vegetation goes up pretty high. While we were out there we decided that these would be the best locations for the trees, and that they would provide enough of a supplemental to the existing. Of the trees that we located, I talked to our landscape architect and what are there now are white fir trees, and they are about ten years old and from what the landscape architect told me, they're getting to the point where they are going to start growing rapidly and they can get very wide, so it was decided to go with arborvitae because they would grow fast and tall and if those trees that are there now start to crowd, the arborvitae could be removed fairly easily. There were nine of those that we proposed along with four white spruce.

The other concern that was raised at the last meeting, was the question of the amount of truck trips that would be anticipated per day, so of the two tenants, ICS, their space would be right here, and these would be their loading docks, and the remainder would be General Nutrition and we were able to determine, ICS anticipates one to two truck trips per day per loading space and General Nutrition anticipates two truck trips per day per loading space. So if we have a total of eleven loading spaces that would include the drive-in doors, that would be a maximum of twenty-two truck trips per day. We do not have a tenant in this location here, but we don't anticipate anything beyond what they are expecting for these two tenants. Hopefully that answers the question. If I may, the owner has asked to make one request, that if the Commission feels comfortable with, and that we have answered all your questions, if a vote, if this could be moved to Old Business and vote tonight.

Chairman Hall: Ed?

Ed Meehan: I would agree with the field observations. The view lines that I saw would be from the private driveway coming out between Fountain Pointe and the adult day care, and I think the applicant has shown where they could screen them. The other area where I think some of the screening will help is if Alumni Road usage becomes more frequent, if we were to open the gates and get out to Cedar, people going east and west, particularly cars going west, they could look across this parking lot and keeping the islands here and adding that additional planting will screen those docks, the southerly side of the building, that's why I agree with keeping those islands there. On the other hand, given the traffic on Willard Avenue and what the people should be doing watching the road ahead, I don't think they have a lot of time to look back at these loading docks. The building is set back, you know 600 feet, so they shouldn't really be looking at the loading dock. Just an observation.

Commissioner Ganley: This directs itself to the petitioners request that we vote on this thing tonight. There are going to be some stipulations in this which have to be crafted very carefully and I don't think that we have enough time to really think about it and then put it out in the language that we will all understand and feel comfortable with. I would not recommend that we vote on it tonight. That's just my recommendation.

Commissioner Schatz: Like Ed said, I went out to the site, when I sat here last time, I thought, oh brother, but by going out there, from Willard Avenue I don't even think you would know that they are there, looking in because of the trees that are down there.

Commissioner Fox: Through the Chairman, Joe, did you say that you were going to fill in with white pine?

Joe Perriginni: We are going to fill in with nine arborvitae and they are located here, and four white fir trees, in these locations here and the fir matches the existing types that are there now, which you can see, those are the white fir that are there now. Then there are two birch trees that are in this island. That island is going to be eliminated so we thought why not try to save them and move them just a short distance.

Commissioner Fox: Okay, I thought they were white pine, they're spruce, that's a lot difference. Thank you.

Chairman Hall: Questions, observations?

I think that what has been said as far as the distance I think our concern was probably for some of these buildings but then when you realize a lot of the utilities of those buildings are on that side, so that they really are not going to have much of an effect on the truck traffic going back and forth, in other words, there aren't going to be people sitting there and looking out at it. Even the day care, I guess that is sort of considered the back of the day care. There is a portico there.

Ed Meehan: The porte-cochere is on the front, but the back was going to be a drop off and service area for the kitchen, and entrance for supplies.

Chairman Hall: And maybe a little picnic area, but then, that is where the berm is.

Ed Meehan: Right.

Joe Perriginni: This is that berm, and then you can't really see it, but there are some pretty large trees that extend all the way down. I walked the entire length, and there is a lot of vegetation in there.

Chairman Hall: Now at this point, they are saying twenty-two trucks. What if in effect that doubles, or triples and all of a sudden we find a lot of truck problems over there? There is nothing we can do at that point.

Ed Meehan: It could, I mean, one of these companies could decide in three years that they're out of business and there would be a more active user in there who comes in and all he needs to get is a certificate of occupancy because this is an industrial zone and warehouse distribution, and light assembly, it's permitted there, so it would be more of a traffic control issue at that point. The ideal thing here is to someday get this road open so if there is additional truck traffic they are not going down Willard, past the VA and the high school, they're going straight out to Route 9 as quick as possible. That's the grand plan.

Chairman Hall: And it also has been for years.

Commissioner Fox: Madam Chairman, that twenty-two trips per day, on an eight hour day, that is less than three per hour, so even if they expand to a twelve hour day, or a ten hour day in order to accommodate, there still isn't going to be that much of a queue for trucks backing up.

Chairman Hall: As long as it stays around that number, but again, we have no way of knowing.

Ed Meehan: The trucks are going to come out onto Alumni Road from private driveways and then be controlled by the traffic signal at Willard. I'm over there off and on for projects like this or the activity out back, Shuco and ICS are building. There are a fair number of trucks that go in,

seems to be early morning, going into Huttig, and then out of Harris, but if you are over there other times of the day, you don't see any trucks until late in the afternoon, coming back in, loading up for the next day's jobs.

Commissioner Fox: That's what I'm saying, I don't think there would be that much, ever. If they double the trips, that's another story, but I think the economy would have to be a lot different before they do that.

Chairman Hall: Other comments, questions? Seeing none, I think we have exhausted this one. Thank you.

Joe Periginni: Thank you.

VII. OLD BUSINESS

Commissioner Kornichuk recused himself from Petition 40-08 and 41-08.

A. PETITION 40-08 – 171 Pascone Place, Paul McBride, 24 Beacon Street, Newington, CT 06111 applicant, McBride Properties, Inc., 3153 Berlin Turnpike owner, represented by Alan Nafis, P.E. Weston & Sampson, 273 Dividend Road, Rocky Hill, CT 06067 request for Site Plan approval Section 5.3 PD Zone District.

Commissioner Camerota moved that PETITION 40-08 – 171 Pascone Place, Paul McBride, 24 Beacon Street, Newington, CT 06111 applicant, McBride Properties, Inc., 3153 Berlin Turnpike owner, represented by Alan Nafis, P.E. Weston & Sampson, 273 Dividend Road, Rocky Hill, CT 06067 request for Site Plan approval Section 5.3 PD Zone District be approved based on the plan submittal entitled "Site Layout and Grading Plan" revised dated 9-8-08, Sheet C-2, Scale 1"=20' prepared by Weston & Sampson Engineers, Inc. for 171 Pascone Place, showing parking for 30 vehicles.

It is a condition of this approval that the use of property by the Newington Knights of Columbus is based on the shared parking of the on-site spaces. The occupancy of the Knights of Columbus floor space, 2,000 sq. ft. by a tenant with different parking requirements shall require review by the Commission to determine compliance with the Zoning Regulations.

Prior to the use and occupancy of the Knights of Columbus floor space all traffic control signage, parking space delineation and the painting of driveway directional arrow markings shall be completed.

The motion was seconded by Commissioner Fox.

Chairman Hall: Ed, do you have anything else to add at this point?

Ed Meehan: No, just that the safety caveat at the end there to make sure the traffic control mechanisms are in place is important, that's why that's in there.

The vote was unanimously in favor of the motion, with six voting YES.

B. PETITION 41-08 – 171 Pascone Place, Newington Knights applicant, McBride Properties, 3153 Berlin Turnpike owner, contact Lou Riccelli, 4 Grandview Drive, Newington, CT 06111 request for Special Permit Section 6.6 liquor permit, PD Zone District.

Commissioner Schatz moved that PETITION 41-08 – 171 Pascone Place, Newington Knights applicant, McBride Properties, 3153 Berlin Turnpike owner, contact Lou Riccelli, 4 Grandview Drive, Newington, CT 06111 request for Special Permit Section 6.6 liquor permit, PD Zone District be approved the Commission finding:

1. There are no similar non-profit club liquor permits with in 500' radius.
2. There are no schools, colleges, churches or hospitals within a 500' radius.
3. That the liquor permit is for the Newington Knights of Columbus non profit club use, this space will not be used by other non club groups or persons for private gatherings.
4. This liquor permit is not transferable.

The motion was seconded by Commissioner Ganley.

Commissioner Fox: I just have a comment, and a question for the Planner. There are no schools, colleges, churches or hospitals but at the next piece of property is a day care center. Is that a vague, I mean, the kids at the day care center are in the day care center, there's no problem, but I'm wondering if that is something that should be addressed in any future.....

Ed Meehan: Well, it may be something that you put in your regulations, simply culling out day care centers but I'm not sure, I'd have to check the statutes to see what the basis for doing that may be. If it's a licensed school, under the umbrella of a day care center, it might qualify.

Commissioner Fox: Okay, thank you.

Chairman Hall: Any other questions or comments? Any thing that we should know at this point, Ed?

Ed Meehan: No, I think this is, reflects what the presenter said they intended to use the use for. It's a different operation than we know that they had on North Mountain Road, it's for smaller groups, it's for their club members and that's pretty much what was reflected in the motion.

The vote was unanimously in favor of the motion, with six voting YES.

Commissioner Kornichuk returned to the table.

C. PETITION 42-08 – Newington Town Plan and Zoning Commission applicant, proposed Zone Regulation amendments to add Section 4.4.8 Administrative Approval for Handicapped Access to Single Family and Duplex Residential Ramps; and Section 7.4.19 (D) Fencing height standard for corner lots and safe corner sight line visibility.

Commissioner Fox moved that PETITION 42-08 – Newington Town Plan and Zoning Commission applicant, proposed Zone Regulation amendments to add Section 4.4.8 Administrative Approval for Handicapped Access to Single Family and Duplex Residential Ramps; and Section 7.4.19 (D)

Fencing height standard for corner lots and safe corner sight line visibility be approved for the following reasons:

Section 4.4.8 Handicapped Access

The Commission finds that Administrative approval by the Zoning Enforcement Officer permitting a temporary handicapped access ramp into a single-family or duplex residential structure will expedite installation while still respecting setbacks from adjacent properties.

Section 7.4.19 (D) Fencing on Corner Lot

The Commission finds that the clarification of the height standard to permit up to 6' starting at the rear front side corner of the dwelling permits residential owners the option to further secure and screen their backyard without compromising safe sight distance at street intersections.

The effective date of these amendments shall be October 3, 2008.

The motion was seconded by Commissioner Pruett.

Chairman Hall: Any discussion? Everybody understand the regulations? We went through this, makes a lot of sense to increase the height in the back if people need it for their back yard and as far as the ramp, certainly helping people in a time of need, the more we can do, the better. Ed, anything to add on this?

Ed Meehan: No I don't.

The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ Tuesday October 7, 2008 and October 22, 2008)

Ed Meehan: There is only one application in right now for 240 Day Street, it's a Special Exception application asking for a church use at the former Merrow Machine Shop.

Chairman Hall: That's right on the corner of Francis and Day.

Ed Meehan: Partial occupancy of the building. That does require a public hearing.

Chairman Hall: That's it?

Ed Meehan: That's it for the applications. Please note that it's on October 7th, because of Yom Kippur.

Chairman Hall: It's a Tuesday. Put that on your calendar, it's a Tuesday not a Wednesday, October 7th.

Commissioner Kornichuk: Could we have Tuesday high-lighted when they send it out. I'm one of the main ones that will blow right by it.

Chairman Hall: Actually, you know what, I'll try to remember to call. I'll try to call everybody that Monday.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Commissioner Kornichuk: We have Petition 45-08.

Chairman Hall: We'll let's talk about that for a minute. Anybody have any thoughts, we have had one thought expressed on moving that up for this evening. Anybody else want to.....

Commissioner Fox: Have you read the draft suggested motion, Tom?

Commissioner Ganley: Yes I did.

Commissioner Fox: Do you agree with it?

Commissioner Ganley: I'm comfortable with it.

Chairman Hall: Comfortable with what? Do you want to put it back in now?

Commissioner Ganley: That was just a suggestion that we not do it.

Commissioner Kornichuk: You didn't know that there was already a draft motion.

Commissioner Ganley: I didn't see it.

Commissioner Fox moved to add Petition 45-08 to Old Business. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall: Let's take a minute to read it, and then we will have it read out loud so that we understand it.

**Petition 45-08
403 Alumni Road
Site Plan Modification**

Commissioner Pruett moved that Petition 45-08 403 Alumni Road, The Hampshire Companies, represented by Alan Nafis, P.E. Weston & Sampson Engineers, Inc., 273 Dividend Road, Rocky Hill, CT 06067, request for site plan modification to construct truck loading docks (6) along east side of former Torrington Company building and reduce parking space count, I Industrial District be approved based on Revised Layout Plan Sheet C-1, dated 9-18-08, showing the existing location of evergreen plantings along the easterly side of the former Torrington Company building and the additional new plantings to screen the proposed truck docks.

This modification is based on the property owner's intention to eliminate marked parking spaces and assign (east lot) parking based on the following allocation:

Shuco	63
ICS	7
General Nutrition	10
Huttig	18

Undesignated Available for future Tenants	<u>63</u>
Total	161

The motion was seconded by Commissioner Fox.

Chairman Hall: Discussion on the motion? Anything you want to add?

Ed Meehan: Just that the key thing is that since the Commission met on September 10th, the applicant went out and revised the plans and that is what is reflected on the new sheet, C-1, dated 9-18, is the update with the new screening and the truck count, which is a very good question to ask, to have that information.

Chairman Hall: And the pictures were good too, you did a nice job, although I have been by there a million times, and actually drove by it twice between the last meeting and now, for some reason, in your mind, you remember the site as being closer to the road than it actually is. If you take a drive by there it really is set back, very far.

Commissioner Kornichuk: And the new buildings....

Chairman Hall: The new buildings and again, as you are driving, please you are paying attention to the road and the stop light and students walking up and down Willard versus maybe looking in at that building. I think they are trying hard to block this as much as possible.

The vote was unanimously in favor of the motion with seven voting YES.

XI. STAFF REPORT

Ed Meehan: Couple of things. We have had receipt of the commentary from Robinson and Cole for accessory apartments. I don't know what the Commission's sense is on that, or direction you want to give staff, but if you want to revisit that and look at the amendments that you talked about two months ago, three months ago now, in light of that report from Robinson and Cole, I'll work with the Commission on that, if that is your will. Bring them back, or leave them on the table, I guess.

Secondly, a couple of things that are going on in town that TPZ should know about. The Downtown Revitalization Committee interviewed consultants on Monday night for the municipal parking lot project. We had three very good firms that came in as finalists, Fuss & O'Neil, Malone & McBroome, and BL Companies, all multi disciplined firms that have strong landscape architecture planning/engineering sides, and had some creative ideas. The Committee is, still hasn't made a decision, we are going to meet again because the, we're trying to compare apples to apples as far as the fee schedule. We asked the consultants to give us a lump sum so we could really control costs but of course, engineers, in their wisdom, they scan it so many different ways, we're trying to compare it, so staff is going to try to do a matrix of the different costs so that the Committee has a better sense of what the cost might be. We will report that to them Monday morning, and hopefully will have a decision made by the 30th. So that project is moving along, and the Town Attorney, I don't remember if I mentioned this, did do a report on the issue of restrictive easement on those parcels that were given to the town. They are restricted in perpetuity as municipal parking parcels, when they were donated to the town, going back to the '50's, the original Goodale and Hanbury families. There are some pieces, such as the Rosenblatt piece and the former Patz building piece that don't have those specific deed restrictions but the Town Council, and this Commission when you went through your 8-24 referenced the municipal

parking lot public use, so that is going to be an issue for re-use. There was some thought of maybe conveying this property to private sector, and that is still a gray area. The other part of that is, if we are fortunate to use any of the urban action grant money to acquire the last remaining piece which is the Bonelli parcel, it can only be used for parking and has to be restricted for up to twenty-five years by state easement, so that piece, is essentially to be used for parking, it could be used for travel ways, some landscape islands and so forth, but you couldn't put another building on it. Some of this stuff is now coming out of the urban action grant a little bit clearer which helps the Committee in its design.

We now own National Welding, as of September 12th, the foreclosure action was completed by the Town Attorney. We're waiting for a Certificate of Condemnation. I'm not sure that's a blessing, or what. It's definitely a Brownfield site. Not as bad as we had thought, more of a building problem because of the asbestos in the building. We are preparing a request for proposal to go out to the private sector. We talked about that last year as well with the Town Council to see if we can find a partner to help clean that site up.

I'm also waiting to hear from the State Department of Economic and Community Development on a half million dollar grant application I submitted back in July to get some Brownfield money, and I'm investigating EPA, up to \$200,000 for cleanup. We will be releasing the RFP after a meeting which is scheduled this week on October 1st with Deputy Commissioner Martin at ConnDot. Through the efforts of Mayor Wright and I guess just general badgering of ConnDot they agreed to sit down with the Town and Mr. Hayes and his partners and have the transit division and the traffic engineering division in the room to talk through the issues of the development on Fenn Road. What the Commission approved, with the right in, right out on Fenn Road, and the possibility of a traffic signal. Hayes-Kaufman is ready to move forward. They are telling us that they are probably going to step away from the All-Suites, 124 room facility. They have what they think is a higher end client, it's still a hotel suites type operation but not, more national brand that you will recognize when you hear it. It does affect the site plan layout, and they are, and we'll know Wednesday, the 1st where ConnDot is on this. We're hoping that they will permit a swap of land and the sharing of the driveway, the busway, the town, and the private sector developer because that's the only way we can really market National Welding. If we can guarantee that we have access to Fenn Road, and a traffic signal, it increases the value of that property tremendously. There have been some changes down there, a new Commissioner who has a much different attitude toward transit that I think would help move this forward. That is the big issue going on.

You saw the Lowe property, the building came down, the developer still is going through reviews down at ConnDot. We had, TPZ when you approved Hunter Development had fourteen or fifteen items, very legitimate items. STC staff had similar items, plus more and that is what they are trying to broker right now down there, how to make that work. They haven't told us anything about tenants right now. Getting a little concerned that, hotels at either end of Cedar Street, the financing, the syndication of that financing could be very cloudy in the next couple of years.

The other hotel on the Berlin Turnpike, action started back up on that. Trusses have been delivered, there is equipment over there now, building department, Art Hanke was sort of watching the store for the Building Inspector's office, moved that along a little bit. Hopefully they've got the structural part taken care of, it's the mechanicals in the building plus there is a swimming pool in that building which makes it more complicated. So hopefully they can get that going this winter.

We're still in preliminary discussions with the plaintiffs on the Three Angel Church deal, as well as the Three Angel Church itself, who has an attorney involved, and Ben Ancona and I are talking with them and seeing if we can work something out before it gets into court. The return date is the 26th, Friday, so we have to put a package together whether we can make a deal or not but if there is a deal it may have to come back to you guys to ratify.

Commissioner Fox: What is going on with Hoffman Guns? That paint job.

Chairman Hall: Yeah, but did you see the tombstones in the window?

Commissioner Fox: What?

Chairman Hall: It's going to be a Halloween shop, I'm almost positive.

Ed Meehan: That happened fast.

Chairman Hall: Within 24 hours.

Chairman Hall: They spray painted it, that's why. They did.

Commissioner Ganley: Getting back to the center parking lot just a second, what role will we be playing in that as it develops?

Ed Meehan: Your role would be, as the plans begin to evolve, reviewing those and giving feedback to the Downtown Revitalization Committee, and I believe ultimately basically taking a look at the site plan layout for the parking lot, and making sure that it is compatible with your zoning regulations.

Commissioner Ganley: Now, the parking. Would it be of some value to us, I suspect it would be, if we had to look at an engineer map, approximately this size with the parcels that you explained to us that are restricted somewhat, sort of outlined in that plot so we get some idea of what usable space we are talking about.

Ed Meehan: I have such a map.

Commissioner Ganley: Okay, good.

Ed Meehan: With what is a restricted easement.....

Commissioner Ganley: Right, right, because we will be looking at this thing and trying to cobble together something that will kind of fit in amongst all those pieces of property. And, as to the issue of the apartments, could we get the attorney back in here sometime rather soon and have him go over his report, you know, that he sent to us, in case there are any questions, clear it up.

Chairman Hall: Which attorney, the Robinson and Cole attorney?

Commissioner Ganley: Sure. That would be fine.

Chairman Hall: Because that was the last letter that we got.

Ed Meehan: I can ask, I don't know if Robinson and Cole will come out.

Chairman Hall: And that leads me to the question, can I assume that we do want to discuss this again? We don't want to kill this, we do want to discuss the accessory apartment issue again.

Commissioner Pruet: Clear it up.

Commissioner Ganley: Do something with it, clear it up.

Ed Meehan: I'm not sure if you are going to get anything more from an attorney, because it's in the plan where this board as policy makers need to decide you know, how you want to frame this, and frankly, at the end of Robinson and Cole's letter, the four or five examples that they gave you were already in your regulations.

Chairman Hall: It's almost as if they read our regulations and gave them back to us.

Ed Meehan: There might be some things, they did mention internal access.

Commissioner Camerota: We talked about that.

Ed Meehan: You talked about that during your discussions, and that may give you a comfort level that it is going to be more restrictive, or used by family members than non-family members. That was the only thing new that I saw in their report. If you want to have an attorney come in, we can see.

Chairman Hall: His answer will be, you can do what you want, but just be aware that there have been other cases, blah, blah, blah, blah, blah! That is essentially what it comes down to, you make your regulations, you take your risk, one way or the other if anybody wants to take you to court, just be aware of what has happened in the past. Now also, it wouldn't be too difficult to resurrect all the information that you had, you had the Berlin, I think some Wethersfield whatever, because some people are better housekeepers than others and a lot of that goes away after they think we are done, so just in case people need that, if you wouldn't mind.

Ed Meehan: We have packages of the towns.

Chairman Hall: The Peckham barn came down today. Came down between the hours of one and six. All gone, it was very, very quick. I drove by in one direction at one, came back from the other direction at six, gone. There were huge beams in there, and I will tell you what bothered me a little bit, as I came by at six o'clock, there were two bicycles sitting on the edge, and kids were already in there.

Commissioner Fox: Question for Ed, if you remember, I asked a question about that property, all that standing water. You had mentioned that they were going to change the water, not put a pump station there, they might not have to drop the barn, are they still on the same course that they were in the first place?

Ed Meehan: Well, we had discussions with a couple of engineering firms that were apparently giving proposals to the owners to revise the plans, this goes back to July, early July just before they started to fill the site. So I'm not sure if they are sticking to the original plan, or if they do revise it, the revisions were substantial, shorten the road, they wanted to still keep that little red house, and they wanted to reduce the number of units but make the footprints of the units larger, which would primarily affect Conservation/Wetlands actions. Plus, the purpose of taking that red house down was to provide a greenway on either side of the water course, it was very swampy behind that house. So if they change the plan, I think they are back before TPZ, Inland Wetlands.

Commissioner Fox: They would have to go back to Inland Wetlands also?

Ed Meehan: Yes. There is definitely going to be an issue with that. I think there is definitely a spring.

Chairman Hall: That is not something that they are going to be able to fill in and have it go away.

Ed Meehan: One of the actions that you had in your Certificate of Approval was in conjunction with the Building Department was a geotechnical report and before they get building permits they have to render that geotechnical report.

Commissioner Fox: I wasn't that, I don't know about the rest of them, but I wasn't that happy about approving that, the way that it was, and I was thinking that maybe they wouldn't get it done at all, but now they have already taken down the barn.

Commissioner Schatz: I was down at Home Depot, and apparently they are not going to move into town. That's what I heard.

Ed Meehan: That's what I hear too, for now.

Commissioner Schatz: They are going to go discount lumber. Well, they are going to be Home Depot, but they are going to be a discount house for the supplies that they have.

Chairman Hall: Nothing more under staff report.

Ed Meehan: I'm done.

XII ADJOURNMENT

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary